REMARKS

This is intended as a full and complete response to the Office Action dated September 25, 2006, having a shortened statutory period for response set to expire on December 25, 2006. Please reconsider the claims pending in the application for reasons discussed below.

In the specification, paragraph [0020] has been amended to address the Examiner's rejection. No new matter has been added.

Claims 1-30 are pending in the application. Claims 1-30 remain pending following entry of this response. Claims 1, 12 and 18-27 have been amended. Applicants submit that the amendments do not introduce new matter.

Specification Objections

The disclosure of the invention is objected to because the disclosure appears to be directed to a non-statutory subject matter. In particular, the Examiner objects to paragraph [0022]. However, in view of the context of the objection, Applicants believe that the Examiner intended to object to paragraph [0020] in the specification as filed, and thus, paragraph [0020] has been amended to recite only tangible storage media. Accordingly, withdrawal of the objection is respectfully requested.

Claim Rejections - 35 U.S.C. § 101

Claims 18-26 are rejected under 35 U.S.C 101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended claims 18-26 to recite a "storage" medium. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claims 1-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Number 6,366,915 issued to *Amy Rubert et al.* (hereinafter "*Rubert*") in further view of U.S. Patent Application Publication Number 2003/0172082 issued to *Jeffrey Benoit et al.* (hereinafter "*Benoit*"). Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. *See* MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *See* MPEP § 2143. The present rejection fails to establish at least the third criterion.

For example, *Rubert* does not teach determining a plurality of user-selectable scheduling options for future execution of the unit of work on the basis of the cost (and system availability, in the case of claim 12), as suggested by the Examiner. The Examiner suggests that *Rubert* teaches determining a plurality of scheduling options for future execution of the unit of work on the basis of a cost at column 10, lines 57-67. In fact, the cited portion of *Rubert* makes no such disclosure. Rather, the cited portion merely teaches that, if a database server has insufficient processing power to perform query execution at the current time, the system "can contact the user in order to schedule query execution for a later time". (*See also*, column 3, lines 13-14: "if current query execution is needed but not available, the system can alert the user to try again later.") Thus, *Rubert* merely teaches that a user can schedule a query for later execution if the system currently has insufficient processing power. *Rubert* does not teach, or suggest, that the system determines a plurality of scheduling options for future execution of the query on the basis of the cost of executing the query, as suggested by the Examiner. To the contrary, the suggestion is that the user of *Rubert* is given the same set of options each time query execution is unavailable at “the current time”. These options are not restricted/determined based on the cost of a query, or anything else for that matter. In other words, the scheduling options are not dynamically *determined* on any basis, cost or otherwise - the same options (if any) are merely retrieved and displayed to the user via the “IR System Interface” (*see*, column 9, lines 61-66) for each query that cannot be executed immediately. Whether a query is a high-

impact query, then, merely affects whether that query can be executed at the current time – it has nothing to do with determining the scheduling options.

Therefore, the claims are believed to be allowable, and allowance of the claims is respectfully requested.

Applicants point out that the claims have been clarified by amendment. However, because Applicants believe that the amendments are unnecessary to overcome the present rejection, Applicants submit that they are entitled to a full range of equivalents.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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